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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,108	04/12/2006	Ian Faye	10191/3673	5595

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KENYON & KENYON LLP
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EXAMINER

MCGRAW, TREVOR EDWIN

ART UNIT	PAPER NUMBER
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3752

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

NT

Office Action Summary	Application No. 10/534,108	Applicant(s) FAYE ET AL.	
	Examiner Trevor McGraw	Art Unit 3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-38 is/are pending in the application.
- 4a) Of the above claim(s) 27 and 31-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-26, 28-30 and 36-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>06/05/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Preliminary Amendment

Preliminary Amendment filed 05/06/2005 is acknowledged and has been entered.

Election/Restrictions

Applicant's election without traverse of Specie A: Figures 1-3 in the reply filed on 12/01/2006 is acknowledged.

Claims 27 and 31-35 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/01/2006.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: In line 2 of Claim 29, the recited limitation "fuel pressures of up to 10 bar" can not be found in the specification. Appropriate action is required.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "discharge openings, 6" must be shown in Figure 5 or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Examiner's Comment

For the purposes of this Office Action, Examiner is not giving any patentable weight on the intended use language "A dosing device for a liquid fuel comprising:" as recited by Applicant in Claim 19.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19-21, 25, 26 and 29-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Ruetsch (US 2,914,258).

In regard to Claims 19-21, 25, 26 and 28-30, Ruetsch (2,914,258) teaches a dosing device for a liquid where a metering device (22,23) is configured to meter a liquid into a metering conduit (12) and a nozzle body (16) that adjoins the metering conduit (12) and has spray discharge openings (18) that open into a metering chamber (4) where the nozzle body (16) projects with a spherical portion (Figures, 1, 2 and 3) at a spray discharge end into the metering chamber (4, Figure 1) having the spray discharge openings (18) distributed over the spherical portion of the nozzle body (16) that is shaped in a hollow cylindrical fashion at the end face of the metering conduit (Figures 1 and 2) and is threadedly engaged with the metering conduit (Figure 2). Ruetsch also teaches that the discharge openings are asymmetrical with respect to the center axis of the nozzle body (16) where the tilt of the center axes of the spray discharge openings is also asymmetrical with respect to the center axis of the nozzle body (16) where the operating pressure of the metering device injection valve (22,23) operates with liquid pressure below 10 bar.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19-26, 30 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Raskin (US 2,933,259).

In regard to Claims 19-26, 28-30 and 36, Raskin (US 2,933,259) teaches a dosing device for a liquid fuel having at least one metering device that is configured to meter fuel into a metering conduit and a nozzle body (Figure 1, 2, 3 and 4; Column 2 Line 60-Column 4, Line 70) that adjoins to the metering conduit has different diameter spray discharge openings (21,22) that open into a metering chamber where the nozzle body projects with a spherical portion (Figure 2) at a spray discharge end into a metering chamber having spray discharge openings distributed over the spherical portion of the nozzle body where the nozzle body is shaped in a hollow cylindrical fashion at an end facing the metering conduit (Figure 1 and 2) and is threadedly engaged with the metering conduit (Figures 1, 2 and 3) where the spray discharge openings have a common intersection point (Figure 2) that is located on a center axis of the nozzle body (Figure 2) and located such that the openings and tilt are asymmetrical with respect to a center axis of the nozzle body (Figure 2). Raskin also teaches where a metering conduit has at least a reduced wall thickness and a reduced wall thickness region along an axial extent (Figure 1, 2 and 3) and an air inlet with which a gas can be introduced into a metering conduit (Column 3, Lines 52-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3752

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19, 21 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raskin (US 2,933,259) in view of Lyons et al. (US 6,793,910).

In regard to Claims 19, 21 and 37, Raskin discloses the claimed invention except for welding the nozzle body through laser welding to the metering conduit. It would have been obvious to one having ordinary skill in the art at the time the present invention was made attach the nozzle body to the metering conduit of Raskin since it is known in the art that laser welding is another form of securing and attaching to separate pieces of material together that are threadedly engaged.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bloom et al. (US 2,789,867), Lyons et al. (US 6,793,910).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trevor McGraw whose telephone number is (571) 272-7375. The examiner can normally be reached on Monday-Friday (2nd & 4th Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

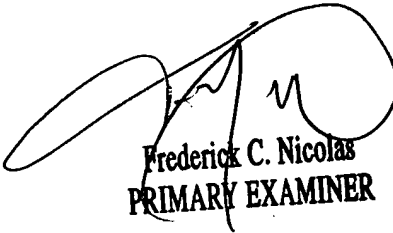
Art Unit: 3752

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Trevor McGraw
Art Unit 3752

TEM



Frederick C. Nicolas
PRIMARY EXAMINER

1/8/07